

Publications

OSHA's Expanded Electronic Recordkeeping Rule Becomes Final

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A recently issued **final rule** from the Occupational Safety and Health Administration (OSHA) will require employers with 100 or more employees in designated industries to electronically submit details of every employee occupational injury or illness. The final rule, which is effective January 1, 2024, will require employers to report 2023 information by March 2, 2024. The designated industries are listed in Appendix B to the final rule (available here: [Appendix B](#)).

As background, OSHA requires most employers to record occupational injury or illness information on three distinct forms: (1) Form 300 (OSHA log), which lists every incident for the calendar year; (2) Form 301, which provides details on each incident; and (3) Form 300A, which is a one-page summary of Form 300 that includes injury and illness rates for the workplace.

OSHA currently requires most employers to electronically submit their Form 300A (the summary form) annually. That obligation remains, but now employers with 100 or more employees in designated industries will be required to electronically submit information contained on OSHA Forms 300 and 301. OSHA will also require all electronic submissions to include the legal company or establishment name. Employers can submit information by one of three methods: (1) manual data entry; (2) batch file submission; or (3) application programming interface.

Notably, OSHA intends to post the collected establishment-specific and case-specific injury and illness information online for public review. To address potential privacy issues, OSHA will not collect or provide employee or health care provider names and addresses. OSHA also claims that it will utilize AI technology to identify and scrub any such information that is inadvertently submitted. However, the details of this technology have not been released.

Impacted employers should plan now by (1) making sure that all recordable injuries or illnesses in 2023 are accurately recorded on OSHA Forms 300 and 301 and (2) beginning to develop a process for uploading the required information. Contact your Vorys lawyer if you

have questions about the above or any other aspect of OSHA's recordkeeping or reporting requirements.

